

RECEIVED
CENTRAL FAX CENTER

JUL 28 2006

REMARKS/ARGUMENTS

Claims 1-45 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Application to be Considered Special

This application has received a fifth, non-final Office Action. As per MPEP § 707.02, Applicants respectfully request that the Supervisory Patent Examiner personally check on the pendency of this application and make every effort to complete prosecution of this application.

II. 35 U.S.C. § 103, Alleged Obviousness

The Office rejects claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over Lent et al. (U.S. Patent No. 6,405,181 B2). This rejection is respectfully traversed.

As to claims 1-10, the Office states:

As per claims 1-10, Lent discloses a data processing system implemented method for identifying teaser surfers, the method comprising: receiving, by the data processing system, a credit history data for a creditor(see column 4 lines 18-47).

Lent fail to explicitly teach summing by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months summing by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

However Lent discloses a set of offers is derived from the credit report data and other applicant information stored in the application object. In a step 1008, the set of offers is displayed. In one embodiment, the offers are derived from the FICO score and income of the applicant, which determine the risk of default, and also from a balance transfer amount specified in the offer. The balance transfer amount may be determined as a percentage of the total revolving balance that the applicant has on all outstanding

credit cards in the credit report for the applicant. Both the credit limit offered to the applicant and the interest rate offered to the applicant may vary according to the amount of the total revolving balance that the applicant chooses to transfer to the new account.(see column 13 lines 47-60 and column 14 lines 51-57 and column 15 lines 1-9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Lent could have been adapted to perform the functions of summing by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months summing by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt and issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt because these functions are common in evaluating a credit report and further would have been a designer's choice of evaluation of a credit report.

Further this would be an attempt to automate a known system.

Office Action dated May 3, 2006, pages 2-4.

Claim 1, which is representative of the other rejected independent claims 21 and 41 with regard to similarly recited subject matter, reads as follows:

1. A data processing system implemented method for identifying teaser surfers, the method comprising:
 - receiving, by the data processing system, a credit history data for a creditor;
 - summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;
 - summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;
 - calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;
 - calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months;
 - comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). *Lent* does not teach or suggest summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months, and summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. The Office seems to acknowledge that *Lent* does not explicitly teach these features.

Lent is directed to providing real time approval of credit over a network. *Lent* obtains applicant data from an applicant. The applicant data is analyzed into a form suitable for directly obtaining a credit report from a credit bureau for the applicant. A credit report having credit report data is obtained from a credit bureau for the applicant. It is then determined whether to accept the applicant using the credit report data and it is communicated to the applicant that the applicant has been approved.

In contradistinction, the presently claimed invention as recited in claim 1 is directed to identifying teaser surfers. The present invention in claim 1 uses a data processing system to receive a credit history data for a creditor; sum a total monthly credit card debt for all credit cards issued to the creditor for a one month period, sum a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, calculates a monthly percentage of new credit card debt to total credit card debt for a one month period, calculates an average percentage of new credit card debt to total credit card debt over the predetermined number of months, compares the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issues a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

The Office alleges that *Lent* teaches summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months, at column 13, lines 47-60, column 14, lines 51-57 and column 15, lines 1-9. Column 13, lines 47-60, reads as follows:

Next, in a step 1006, a set of offers is derived from the credit report data and other applicant information stored in the application object. In a step 1008, the set of offers is displayed. In one embodiment, the offers are derived from the FICO score and

income of the applicant, which determine the risk of default, and also from a balance transfer amount specified in the offer. The balance transfer amount may be determined as a percentage of the total revolving balance that the applicant has on all outstanding credit cards in the credit report for the applicant. Both the credit limit offered to the applicant and the interest rate offered to the applicant may vary according to the amount of the total revolving balance that the applicant chooses to transfer to the new account.

In this section, Lent describes offers are derived from the credit report data and other applicant information and displayed. The offers are derived from the FICO score and income of the applicant, which determine the risk of default, and also from a balance transfer amount specified in the offer. The balance transfer amount may be determined as a percentage of the total revolving balance that the applicant has on all outstanding credit cards in the credit report for the applicant. Both the credit limit offered to the applicant and the interest rate offered to the applicant may vary according to the amount of the total revolving balance that the applicant chooses to transfer to the new account.

Column 14, line 51 to column 15, line 9, reads as follows:

Next, in a step 1026 the system determines one or more balance transfer amounts based on the total revolving balance that the applicant has in various other credit card accounts. In one embodiment, the balance transfer amounts are calculated based on different percentages of the total revolving balance determined from all of the applicant's accounts found in the credit report. Then, in a step 1028, the system calculates for each total balance transfer amount choice that will be presented to the applicant, a predicted estimated revolving balance for the future that the applicant would be expected to maintain. The estimated total revolving balance may be equal to the balance transfer amount or may be a function of the balance transfer amount. In one embodiment, the estimated total revolving balance does not depend on the balance transfer amount. In one embodiment, four possible percentages of the applicant's total revolving balance as determined by the credit report are presented to the applicant. Those choices are none of the balance, one-third of the balance, two-thirds of the balance, and the full balance. Depending on which of those amounts is selected by the applicant, the system calculates a predicted total revolving balance for the future. Then, in a step 1030, the credit limit for the applicant is set to achieve a target dollar charge off rate based on the amount of the total revolving balance that the applicant elects to transfer and the risk of default. The process then ends at 1032.

In column 14, line 51 to column 15, line 9, Lent describes determining one or more balance transfer amounts based on the total revolving balance that the applicant has in various other credit card accounts.

Nowhere in these sections, or any other section of Lent, is there a teaching or suggestion of summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. Lent describes using the data provided by the credit bureaus without any manipulation of the data other than parsing the data to fit into a form. That is, Lent merely uses the applicant's total revolving balance. Lent does not teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period. Lent uses the entire total revolving

balance and does not teach or suggest breaking down the total revolving balance by any time period whatsoever.

Additionally, Lent does not teach or suggest summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. The Office seems to acknowledge that Lent does not explicitly teach these features. However, the Office relies on the same sections cited above as teaching this feature. As discussed above, Lent merely uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever. Furthermore, Lent does not break down the information provided by the credit bureaus into new credit card debt for all new credit cards issued to the applicant. That is, Lent merely uses the applicant's total revolving balance. Lent is not concerned with determining which credit card debt is old credit card debt and which credit card debt is new credit card debt.

Furthermore, Lent fails to teach or suggest calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. The Office seems to acknowledge that Lent does not explicitly teach these features. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest calculating a monthly percentage of new credit card debt to total credit card debt for a one month period.

Still further, Lent does not teach or suggest calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months. The Office seems to acknowledge that Lent does not explicitly teach these features. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months.

Even further, Lent does not teach or suggest comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest calculating a monthly percentage of new credit card debt to total credit card debt for a one month period and calculating an average percentage of new credit

card debt to total credit card debt over the predetermined number of months. Thus, Lent could not teach or suggest comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

Lent does not teach or suggest issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. The Office seems to acknowledge that Lent does not explicitly teach these features. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Lent could not issue a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Applicants respectfully submit that Lent does not teach or suggest all of the features of independent claims 1, 21, and 41.

Independent claims 11, 17, 31, 37, and 42-45 recite similar features in their respective claim terminology. Claim 11 which is representative of the other rejected independent claims 31 and 42 with regard so similarly recited subject matter, recites "receiving, by the data processing system, a credit history data for a creditor; summing, by the data processing system, a total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating, by the data processing system, an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt."

Claim 17 which is representative of the other rejected independent claims 37 and 43 with regard so similarly recited subject matter, recites "receiving, by the data processing system, a credit history data for a creditor; comparing, by the data processing system, an amount of new credit card debt to a total amount of credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt." Claim 44 which is representative of the other rejected independent claim 45 with regard so similarly recited

subject matter, recites "receiving by the data processing system a credit history data for a creditor; determining by the data processing system if the creditor is a teaser surfer based on the credit history data; and rejecting by the data processing system a credit card to the creditor based on the teaser surfer determination."

Since the reference fails to teach or suggest summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months; summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt, the Office has failed to establish a *prima facie* case of obviousness, because the Office does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

The applied reference does not teach or suggest each and every claim limitation; therefore, Lent, do not render claim 1 obvious. Independent claims 11, 17, 21, 31, 37 and 41-45 recite similar subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 and 35 depend from claims 1, 11, 17, 21, 31 and 37, the same distinctions between Lent and the invention recited in claims 1, 11, 17, 21, 31 and 37 apply for these claims. Additionally, claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 and 35 recite other additional combinations of features not taught or suggested by the references.

Furthermore, no teaching or suggestion is present in the reference to modify the reference to include such features. More specifically, there is no teaching or suggestion in Lent that a problem exists for which summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months; summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculating, by

the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt, is a solution. To the contrary, Lent appears to teach using the applicant's total revolving balance.

In view of the above, Applicants respectfully submit that Lent fails to teach or suggest the features of claims 1, 11, 17, 21, 31, 37 and 41-45. At least by virtue of their dependency on claims 1, 11, 17, 21, 31 and 37, the features of dependent claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 and 35 are not taught or suggested by Lent. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-45 under 35 U.S.C. § 103.

Moreover, in addition to their dependency from independent claims 1, 11, 17, 21, 31, and 37, the specific features recited in dependent claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 are not taught or suggested by Lent. For example, with regard to claims 2 and 22, Lent does not teach or suggest summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. The Office relies on the same sections cited above as teaching this feature. As discussed above, Lent merely uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever. Furthermore, Lent does not break down the information provided by the credit bureaus into relatively new credit card debt for all new credit cards issued to the applicant. That is, Lent merely uses the applicant's total revolving balance. Lent is not concerned with determining which credit card debt is old credit card debt and which credit card debt is relatively new credit card debt.

As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. Thus, Lent could not teach or suggest calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating an average percentage of relatively new credit

card debt to total credit card debt over the predetermined number of months; comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt as recited in claim 2 and 22 or similar subject matter recited in claims 12, 18, 23, and 38.

With regard to claims 3, 4, 23, and 24, Lent does not teach or suggest a new credit card is a credit card having been issued to the creditor for less than six months or the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features as recited in claims 3 and 4 or similar subject matter recited in claims 13, 23, 24, and 33.

With regard to claims 5 and 6, Lent does not teach or suggest the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months or a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features as recited in claims 5 and 6 or similar features recited in claims 14, 25, 26, and 34.

With regard to claims 7 and 8, Lent does not teach or suggest that a predetermined number of months is twelve months or twenty-four months. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features as recited in claims 5 and 6 or similar features recited in claims 14, 25, 26, and 34.

With regard to claims 9 and 10, Lent does not teach or suggest the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent or the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one

month period. Thus, Lent could not teach or suggest the features recited in claims 9 and 10 or similar features recited in claims 16, 29, 30, and 36.

Therefore, in addition to being dependent on independent claims 1, 11, 17, 21, 31, and 37 dependent claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 are also distinguishable over Lent by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 under 35 U.S.C. § 103.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE:

July 28, 2006

Respectfully submitted,

Francis Lammes

Francis Lammes
Reg. No. 55,353
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants